

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

GABRIEL WAGNER,	)	
	)	
Plaintiff(s),	)	2:08-CV-1281-RLH-PAL
	)	
vs.	)	<b>ORDER</b>
	)	
UNITED STATES DEPARTMENT	)	
OF LABOR,	)	
	)	
Defendant(s).	)	
_____	)	

Before this Court is the Order and Recommendation of United States Magistrate Judge Peggy A. Leen (#2, filed October 20, 2008), entered regarding Magistrate Judge Leen's Order regarding Plaintiff's Application to Proceed *in forma pauperis* (#1, and Judge Leen's Recommendation following her screening of Plaintiff's Complaint, pursuant to 28 U.S.C. §1915(a). No objection was filed to Magistrate Judge Leen's Order or Recommendation pursuant to Local Rules IB 3-1 or 3-2 of the Rules of Practice of the United States District Court for the District of Nevada, and the matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1) (A), (B) and (C) and Local Rules IB 3-1 and 3-2 and determines that the Order of Magistrate Judge Leen is not clearly erroneous or contrary to law and should be affirmed. Furthermore, the Court finds that the Recommendation of Magistrate Judge Leen should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Order and Recommendation  
2 (#2) is AFFIRMED, ACCEPTED and ADOPTED, Complaint is dismissed.

3 Dated: February 5, 2010.

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6 **ROGER L. HUNT**  
7 Chief U.S. District Judge  
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